~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 22, 2021

**H. 3592**

Introduced by Reps. Allison, Lucas and Henderson‑Myers

S. Printed 4/22/21--H.

Read the first time January 12, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3592) to amend Section 59‑18‑310, Code of Laws of South Carolina, 1976, relating to the statewide assessment program to promote student learning and student performance, so, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 59‑18‑310 of the 1976 Code is amended to read:

“Section 59‑18‑310. (A) As used in this section, ‘interim assessment’ means a test that may be administered at least once, but no more than three times, over an academic year.

~~(A)~~(B)(1) Notwithstanding ~~any other~~ another provision of law, the State Board of Education, through the Department of Education, is required to develop or adopt a statewide assessment program to promote student learning and to measure student performance on state standards and:

~~(1)~~(a) identify areas in which students, schools, or school districts need additional support;

~~(2)~~(b) indicate the academic achievement for schools, districts, and the State;

~~(3)~~(c) satisfy federal reporting requirements; and

~~(4)~~(d) provide professional development to educators.

(2) ~~Assessments~~ An assessment required to be developed or adopted pursuant to the provisions of this section or chapter must be objective and reliable, and administered in English and in Braille for students as identified in their Individual Education Plan.

~~(B)~~(C)(1) The statewide assessment program must include the subjects of English/language arts, mathematics, and science~~, and social studies~~ in grades three through eight, as delineated in Section 59‑18‑320, and end‑of‑course tests for courses selected by the State Board of Education and approved by the Education Oversight Committee for federal accountability, which award units of credit in English/language arts, mathematics, and science~~, and social studies~~. A student’s score on an end‑of‑year assessment may not be the sole criterion for placing the student on academic probation, retaining the student in his current grade, or requiring the student to attend summer school; however, this does not apply to students subject to the provisions of Chapter 155, Title 59. Beginning with the graduating class of 2010, students are required to pass a high school credit course in science ~~and a course in United States history~~ in which an end‑of‑course ~~examinations are~~ examination is administered to receive the state high school diploma. Beginning with the graduating class of 2015, students are no longer required to meet the exit examination requirements set forth in this section and State Regulation to earn a South Carolina high school diploma.

(2) A person who is no longer enrolled in a public school and who previously failed to receive a high school diploma or was denied graduation solely for failing to meet the exit exam requirements pursuant to this section and State Regulation may petition the local school board to determine the student’s eligibility to receive a high school diploma pursuant to this chapter. The local school board will transmit diploma requests to the South Carolina Department of Education in accordance with department procedures. Petitions under this section must be submitted to the local school district. Students receiving diplomas in accordance with this section shall not be counted as graduates in the graduation rate calculations for affected schools and districts, either retroactively or in current or future calculations. On or before January 31, 2019, the South Carolina Department of Education shall report to the State Board of Education and the General Assembly the number of diplomas granted, by school district, under the provision. The State Board of Education shall remove any conflicting requirement and promulgate conforming changes in its applicable regulations. The department shall advertise the provisions of this item in at least one daily newspaper of general circulation in the area of each school district within forty‑five days after this enactment. After enactment, the department may continue to advertise the provisions of this item, but it shall not be required to advertise after December 31, 2017. At a minimum, this notice must consist of two columns measuring at least ten inches in length and measuring at least four and one‑half inches combined width, and include:

(a) a headline printed in at least a twenty‑four point font that is boldfaced;

(b) an explanation of who qualifies for the petitioning option;

(c) an explanation of the petition process;

(d) a contact name and phone number; and

(e) the deadline for submitting a petition.

~~(C)~~(D) While assessment is called for in the specific areas mentioned above, this should not be construed as lessening the importance of foreign languages, visual and performing arts, health, physical education, and career or occupational programs.

~~(D)~~(E) The State Board of Education shall create a statewide adoption list of interim assessments for grades kindergarten through nine aligned with the state content standards in English/language arts and mathematics that satisfies professional measurement standards in accordance with criteria jointly determined by the Education Oversight Committee and the State Department of Education. The interim assessments must provide diagnostic information, including Lexile or Quantile scores as appropriate, in a timely manner to all school districts for each student during the course of the school year. For use beginning with the 2009‑2010 School Year, and subject to appropriations by the General Assembly for the assessments, local districts must be allocated resources to select and administer interim assessments from the statewide adoption list to use to improve student performance in accordance with district improvement plans. However, if a local district already administers formative assessments, the district may continue to use the assessments if they meet the state standards and criteria pursuant to this subsection.

(F) A district that administers an interim assessment during the school year shall provide information to the teacher and parent or guardian of a student who is assessed.

(1) At least one week prior to the assessment, the school shall notify the parent or guardian of the date of the administration, the name of the assessment, the purpose of the assessment, and the data that will be gathered regarding the student.

(2) A school shall provide the results of the assessment to the teacher and the parent or guardian no more than seven days after the test window closes. The results must include:

(a) Lexile and Quantile scores, if applicable;

(b) information regarding how the assessment aligns with state standards and summative assessments; and

(c) suggestions for how to support the child’s learning at home.

(3) If the interim assessment is administered more than once during the school year, information provided to the teacher and parent or guardian must document all prior administrations of the assessment so that the parent or guardian can determine the progress of the student.

(4) A student in kindergarten through third grade may not be administered more than one state or locally procured interim assessment toolunless the additional assessment is administered to meet the requirements of Chapter 155. The assessments and reasons for their use must be specifically identified in the district reading plan, and approved by the State Superintendent of Education. The assessment tool acquired by the district may be administered no more than three times throughout the academic year to assess student progress and academic needs.

(5) A student in fourth grade through twelfth grade may not be administered more than one state or locally procured interim assessment without prior approval of the State Board of Education. The assessment tool acquired by the district and approved by the Board may be administered no more than three times throughout the academic year to assess student progress and academic needs. The board shall promulgate regulations establishing the requirements of, and process for, seeking an additional interim assessment.

(6) The provisions of this chapter do not apply to screening tools required by Article 5, Chapter 33.

~~(E)~~(G) The State Department of Education shall provide on‑going professional development in the development and use of classroom assessments, the use of interim assessments, and the use of the end‑of‑year state assessments so that teaching and learning activities are focused on student needs and lead to higher levels of student performance.”

SECTION 2. Section 59‑18‑325(A) and (C)(3) of the 1976 Code is amended to read:

“(A) Beginning in eleventh grade for the first time in School Year ~~2017‑2018~~ 2021‑2022 and for at least the next five subsequent years, all students must be ~~offered~~ administered the ACT with the writing assessment. For the 2026‑2027 School Year, the department shall procure a college readiness assessment provider that includes sections in mathematics, English, writing, and science ~~a college entrance assessment that is from a provider secured by the department~~. ~~In addition,~~ All students entering the eleventh grade for the first time in School Year 2017‑2018 and subsequent years must be administered a career readiness assessment. The results of the assessments must be provided to each student, their respective schools, and to the State to:

(1) assist students, parents, teachers, and guidance counselors in developing individual graduation plans and in selecting courses aligned with each student’s future ambitions;

(2) promote South Carolina’s Work Ready Communities initiative; and

(3) meet federal and state accountability requirements.

(3) Beginning with the 2017‑2018 School Year, the department shall procure and administer the standards‑based assessments of mathematics and English/language arts to students in grades three through eight. The department also shall procure and administer the standards‑based assessment in science to students in grades four~~,~~ and six~~, and eight, and the standards‑based assessment in social studies to students in grades five and seven~~. Beginning with the 2022‑2023 School Year, the State Department of Education, working with its assessment vendor, shall embed assessment items on the SC Ready reading and writing assessments that address the appropriate grade‑level social studies standards.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

The impact on state expenditures is listed by section below:

**Section 1:**

This section removes social studies from the statewide assessment program for grades three through eight and end-of-course tests for courses selected by the State Board of Education and approved by the Education Oversight Committee for federal accountability. Also, this section removes the requirement that students must be administered an end-of-course examination in United States history in order to receive a high school diploma. This section also requires formative assessments to include Lexile or Quantile scores as appropriate.

Additionally, students in kindergarten through third grade may not be administered more than one state or locally procured formative assessment unless the additional assessment is administered to meet the requirements of Chapter 155 of Title 59. Also, students in fourth through twelfth grade may not be administered more than one state or locally procured formative assessment without prior approval of the State Board of Education. The board must promulgate regulations establishing the requirements of and process for seeking an additional formative assessment. The provisions of the bill do not apply to screening tools required by Article 5, Chapter 33, Title 59.

**State Department of Education.** Based upon expenditure data provided by SDE, we estimate that the reduction in expenses in FY 2020-21 for elimination of social studies in grades five and seven is approximately $675,010. In future years, the agency expects similar savings resulting from this part of the bill. Further, eliminating the administration of the end-of-course examination in United States history will reduce expenses by $400,000. Therefore, we estimate that these provisions will reduce general fund expenses of the agency by $1,075,010 in FY 2021-22 and each year thereafter. Additionally, SDE indicates that assessments currently provide Lexile and Quantile scores before they can be on the approved list of formative assessments so there will not be an impact for this requirement.

Further, this section requires schools to notify parents and guardians of students who are being administered a formative assessment. At least one week prior to the assessment, schools must notify parents and guardians regarding the date of the assessment, the name of the assessment, the purpose of the assessment, and the data that will be gathered regarding the student. Schools must then provide the results of the assessment to parents and guardians no more than one week after the administration of the assessment.

**State Agency Schools.** The Governor’s School for the Arts and Humanities, the Governor’s School for Science and Mathematics, the Governor’s School for Agriculture at John de la Howe, and the Wil Lou Gray Opportunity School do not serve students in grades three through eight. We anticipate that any expenditure on the School for the Deaf and Blind for grades three through eight can be managed within current appropriations. Also, we anticipate that any expenses associated with the notification process for parents and guardians related to assessments could be managed within current appropriations. Therefore, this section of the bill is not expected to have an expenditure impact on state agency schools.

**Section 2:**

This section requires all students to be administered the ACT with the writing assessment. This requirement begins with students in the eleventh grade in school year 2021-22 and is for at least the next five subsequent years. For the 2026-27 school year, SDE must procure a college readiness assessment provider that includes sections in mathematics, English, writing, and science.

**State Department of Education.** SDE indicates that students currently have the option to take the SAT or ACT at an average annual cost of $1,600,000 annually. Further, administering the ACT to all eleventh-grade students with the writing assessment will increase general fund expenses of the agency by $1,544,753 in FY 2021-22. This estimate is based upon the 2020-21 student enrollment counts.

**State Agency Schools.** The Governor’s School for the Arts and Humanities indicates that administering the ACT with the writing assessment to all students will increase expenses by $8,400, which is $70 per test for approximately 120 students, if the school is responsible for the cost of the test. The Governor’s School for Agriculture at John de la Howe and the Governor’s School for Science and Mathematics indicate that the provisions of the bill will not affect their expenditures.

Additionally, Section 2 requires SDE to work with its assessment vendor to embed assessment items on the SC Ready reading and writing assessments that address the appropriate grade-level social studies standards, beginning with the 2022-23 school year.

**State Department of Education.** SDE indicates that this portion of the bill could increase general fund expenses of the agency by $2,300,000 depending upon whether the intent of the bill is to include the social studies passages and only measure ELA achievements or if both ELA and social studies achievements will be measured with the inclusion of the social studies passages. If only ELA achievements will be measured, this portion of the bill will have no expenditure impact on the agency since grade level social studies and science items that measure ELA standards will be included in field testing that will take place in the spring of 2021. If social studies achievements will be measured, SDE indicates that agency expenditures will increase by $2,300,000 to redesign the tests. The additional items would be written to be field tested in the spring of 2023 and operationalized in the spring of 2024 at the earliest. SDE further notes that ELA and social studies standards development would need to be on the same schedule since tests are redesigned and redeveloped each time standards change.

**Local Expenditure**

The impact on local expenditures is listed by section below:

**Section 1:**

This section removes social studies from the statewide assessment program for grades three through eight and end-of-course tests for courses selected by the State Board of Education and approved by the Education Oversight Committee for federal accountability. Additionally, this section removes the requirement that students must be administered an end-of-course examination in United States history in order to receive a high school diploma.

Further, this section requires schools to notify parents and guardians of students who are being administered a formative assessment. At least one week prior to the assessment, schools must notify parents and guardians regarding the date of the assessment, the name of the assessment, the purpose of the assessment, and the data that will be gathered regarding the student. Schools must then provide the results of the assessment to parents and guardians no more than one week after the administration of the assessment.

**Local School Districts.** SDE surveyed the seventy-nine regular school districts and the two charter school districts. None of the responding districts indicate that this section of the bill would increase district expenses.

**Section 2:**

This section requires all students to be administered the ACT with the writing assessment. This requirement begins with students in the eleventh grade in school year 2021-22 and is for at least the next five subsequent years. For the 2026-27 school year, SDE must procure a college readiness assessment provider that includes sections in mathematics, English, writing, and science. Also, this section bill requires SDE to work with its assessment vendor to embed assessment items on the SC Ready reading and writing assessments that address the appropriate grade-level social studies standards, beginning with the 2021-22 school year.

**Local School Districts.** SDE surveyed the seventy-nine regular school districts and the two charter school districts. The responses indicate that some districts may elect to provide additional professional development for teachers and test preparatory opportunities for students. These expenditures will vary and are at the district’s discretion.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 59‑18‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM TO PROMOTE STUDENT LEARNING AND STUDENT PERFORMANCE, SO AS TO REMOVE SOCIAL STUDIES FROM AMONG THE SUBJECTS ASSESSED IN THIRD GRADE THROUGH EIGHTH GRADE, TO PROVIDE SPECIFIC DIAGNOSTIC INFORMATION THAT THE ASSESSMENTS MUST INCLUDE, AND TO PROVIDE CERTAIN RELATED INFORMATION THAT DISTRICTS AND SCHOOLS SHALL PROVIDE PARENTS OR GUARDIANS OF STUDENTS BEING ASSESSED; AND TO AMEND SECTION 59‑18‑325, RELATING TO THE PROCUREMENT AND ADMINISTRATION OF CERTAIN ASSESSMENTS BY THE STATE DEPARTMENT OF EDUCATION, SO AS TO REQUIRE THE ADMINISTRATION OF THE ACT WITH THE WRITING ASSESSMENT TO ELEVENTH GRADE STUDENTS BEGINNING WITH THE 2021‑2022 SCHOOL YEAR AND FOR FIVE YEARS THEREAFTER, TO PROVIDE FOR THE 2026‑2027 SCHOOL YEAR THE DEPARTMENT SHALL PROCURE A COLLEGE READINESS ASSESSMENT PROVIDER THAT INCLUDES CERTAIN SUBJECTS, AND TO PROVIDE THAT BEGINNING WITH THE 2022‑2023 SCHOOL YEAR THE DEPARTMENT SHALL EMBED ITEMS IN STANDARDS‑BASED ASSESSMENTS TO ADDRESS CERTAIN SOCIAL STUDIES STANDARDS ON THE SC READY READING AND WRITING ASSESSMENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑18‑310 of the 1976 Code is amended to read:

“Section 59‑18‑310. (A) As used in this section, ‘formative assessment’ means a test that may be administered at least once, but no more than three times, over an academic year.

~~(A)~~(B)(1) Notwithstanding ~~any other~~ another provision of law, the State Board of Education, through the Department of Education, is required to develop or adopt a statewide assessment program to promote student learning and to measure student performance on state standards and:

~~(1)~~ (a) identify areas in which students, schools, or school districts need additional support;

~~(2)~~ (b) indicate the academic achievement for schools, districts, and the State;

~~(3)~~ (c) satisfy federal reporting requirements; and

~~(4)~~ (d) provide professional development to educators.

(2) ~~Assessments~~ An assessment required to be developed or adopted pursuant to the provisions of this section or chapter must be objective and reliable, and administered in English and in Braille for students as identified in their Individual Education Plan.

~~(B)~~(C)(1) The statewide assessment program must include the subjects of English/language arts, mathematics, and science~~, and social studies~~ in grades three through eight, as delineated in Section 59‑18‑320, and end‑of‑course tests for courses selected by the State Board of Education and approved by the Education Oversight Committee for federal accountability, which award units of credit in English/language arts, mathematics, and science~~, and social studies~~. A student’s score on an end‑of‑year assessment may not be the sole criterion for placing the student on academic probation, retaining the student in his current grade, or requiring the student to attend summer school. Beginning with the graduating class of 2010, students are required to pass a high school credit course in science ~~and a course in United States history~~ in which an end‑of‑course ~~examinations are~~ examination is administered to receive the state high school diploma. Beginning with the graduating class of 2015, students are no longer required to meet the exit examination requirements set forth in this section and State Regulation to earn a South Carolina high school diploma.

(2) A person who is no longer enrolled in a public school and who previously failed to receive a high school diploma or was denied graduation solely for failing to meet the exit exam requirements pursuant to this section and State Regulation may petition the local school board to determine the student’s eligibility to receive a high school diploma pursuant to this chapter. The local school board will transmit diploma requests to the South Carolina Department of Education in accordance with department procedures. Petitions under this section must be submitted to the local school district. Students receiving diplomas in accordance with this section shall not be counted as graduates in the graduation rate calculations for affected schools and districts, either retroactively or in current or future calculations. On or before January 31, 2019, the South Carolina Department of Education shall report to the State Board of Education and the General Assembly the number of diplomas granted, by school district, under the provision. The State Board of Education shall remove any conflicting requirement and promulgate conforming changes in its applicable regulations. The department shall advertise the provisions of this item in at least one daily newspaper of general circulation in the area of each school district within forty‑five days after this enactment. After enactment, the department may continue to advertise the provisions of this item, but it shall not be required to advertise after December 31, 2017. At a minimum, this notice must consist of two columns measuring at least ten inches in length and measuring at least four and one‑half inches combined width, and include:

(a) a headline printed in at least a twenty‑four point font that is boldfaced;

(b) an explanation of who qualifies for the petitioning option;

(c) an explanation of the petition process;

(d) a contact name and phone number; and

(e) the deadline for submitting a petition.

~~(C)~~(D) While assessment is called for in the specific areas mentioned above, this should not be construed as lessening the importance of foreign languages, visual and performing arts, health, physical education, and career or occupational programs.

~~(D)~~(E) The State Board of Education shall create a statewide adoption list of formative assessments for grades kindergarten through nine aligned with the state content standards in English/language arts and mathematics that satisfies professional measurement standards in accordance with criteria jointly determined by the Education Oversight Committee and the State Department of Education. The formative assessments must provide diagnostic information, including Lexile or Quantile scores as appropriate, in a timely manner to all school districts for each student during the course of the school year. For use beginning with the 2009‑2010 School Year, and subject to appropriations by the General Assembly for the assessments, local districts must be allocated resources to select and administer formative assessments from the statewide adoption list to use to improve student performance in accordance with district improvement plans. However, if a local district already administers formative assessments, the district may continue to use the assessments if they meet the state standards and criteria pursuant to this subsection.

(F) A district that administers a formative assessment during the school year shall provide information to the teacher and parent or guardian of a student who is assessed.

(1) At least one week prior to the assessment, the school shall notify the parent or guardian of the date of the administration, the name of the assessment, the purpose of the assessment, and the data that will be gathered regarding the student.

(2) A school shall provide the results of the assessment to the teacher and the parent or guardian no more than one week after the administration of the assessment. The results must include:

(a) Lexile and Quantile scores, if applicable;

(b) information regarding how the assessment aligns with state standards and summative assessments; and

(c) suggestions for how to support the child’s learning at home.

(3) If the formative assessment is administered more than once during the school year, information provided to the teacher and parent or guardian must document all prior administrations of the assessment so that the parent or guardian can determine the progress of the student.

(4) A student in kindergarten through third grade may not be administered more than one state or locally procured formative assessment unless the additional assessment is administered to meet the requirements of Chapter 155. The assessments and reasons for their use must be specifically identified in the district reading plan, and approved by the State Superintendent of Education.

(5) A student in fourth grade through twelfth grade may not be administered more than one state or locally procured formative assessment without prior approval of the State Board of Education. The board shall promulgate regulations establishing the requirements of, and process for, seeking an additional formative assessment.

(6) The provisions of this chapter do not apply to screening tools required by Article 5, Chapter 33.

~~(E)~~(G) The State Department of Education shall provide on‑going professional development in the development and use of classroom assessments, the use of formative assessments, and the use of the end‑of‑year state assessments so that teaching and learning activities are focused on student needs and lead to higher levels of student performance.”

SECTION 2. Section 59‑18‑325(A) and (C)(3) of the 1976 Code is amended to read:

“(A) Beginning in eleventh grade for the first time in School Year ~~2017‑2018~~ 2021‑2022 and for at least the next five subsequent years, all students must be ~~offered~~ administered the ACT with the writing assessment. For the 2026‑2027 School Year, the department shall procure a college readiness assessment provider that includes sections in mathematics, English, writing, and science ~~a college entrance assessment that is from a provider secured by the department~~. ~~In addition,~~ All students entering the eleventh grade for the first time in School Year 2017‑2018 and subsequent years must be administered a career readiness assessment. The results of the assessments must be provided to each student, their respective schools, and to the State to:

(1) assist students, parents, teachers, and guidance counselors in developing individual graduation plans and in selecting courses aligned with each student’s future ambitions;

(2) promote South Carolina’s Work Ready Communities initiative; and

(3) meet federal and state accountability requirements.

(3) Beginning with the 2017‑2018 School Year, the department shall procure and administer the standards‑based assessments of mathematics and English/language arts to students in grades three through eight. The department also shall procure and administer the standards‑based assessment in science to students in grades four~~,~~ and six~~, and eight, and the standards‑based assessment in social studies to students in grades five and seven~~. Beginning with the 2022‑2023 School Year, the State Department of Education, working with its assessment vendor, shall embed assessment items on the SC Ready reading and writing assessments that address the appropriate grade‑level social studies standards.”

SECTION 3. This act takes effect upon approval by the Governor.

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